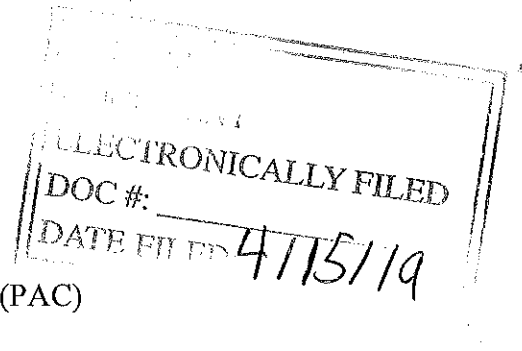


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA, :
 :
-against- :
 :
PAUL VAN MANEN, et al., :
 :
Defendant. :
-----X

18 Cr. 30 (PAC)

OPINION & ORDER



HONORABLE PAUL A. CROTTY, United States District Judge:

Defendants move for an order compelling the Government to produce 3500 material pursuant to 18 U.S.C. § 3500 by Monday, April 15, 2019. (Dkt. 187). According to the Government, it initially proposed producing this material as early as April 17, 2019, twelve days before trial, “if the parties were able to agree on several straightforward and commonplace stipulations as to the authenticity of certain records.” (Gov. Opp., Dkt. 189, at 2). The parties were close to agreement on this issue after a phone call on April 11, 2019 when, “hours later, the defendants unexpectedly backed out.” *Id.* at 2. The Government now anticipates “a potential increase of over 20 witnesses” including “12 laboratory technicians; five business record custodians from various entities such as Facebook, MoneyGram, and a hospital; at least three records custodians from various cellphone service providers; and multiple analysts and agents.” *Id.* at 2-3. Given this additional burden, the Government will commit only to “producing 3500 material no later than Wednesday, April 24, 2019,” *id.* at 3, five days before trial.

The parties are urged to continue negotiating the issue of stipulations to avoid raising unnecessary clerical issues at trial, where they will only distract from the issues central to this case, undercut judicial efficiency, and waste the jury’s time. The Court recognizes that the “Jencks Act

prohibits a District Court from ordering the pretrial disclosure of witness statements,” *United States v. Coppa*, 267 F.3d 132, 145 (2d Cir. 2001), but hopes that further negotiation on these stipulations can also lead to reasonable compromise on the Government’s 3500 material disclosure date in light of the upcoming holiday weekend.

The Clerk of the Court is instructed to close the motion at Dkt. 187.

Dated: New York, New York
April 15, 2019

SO ORDERED



PAUL A. CROTTY
United States District Judge